

GENERAL LICENSING COMMITTEE

29 SEPTEMBER 2015

PRESENT – Councillor Kane (in the Chair); Councillors L. Haszeldine, B. Jones, Mrs. Jones, Lee and Newall. (6)

APOLOGIES – Councillors C. Hughes, Lawton, Nutt and Stenson (4)

OFFICERS – Pam Ross, Licensing, Car Parks, Trading Standards and CCTV Manager; Julie Richings, Principal Licensing Officer; Helen Thompson, Lawyer; Sergeant C. Dickenson, PCSO M McAllister and Allison Hill, Democratic Officer.

L1. APPOINTMENT OF CHAIR FOR THE MUNICIPAL YEAR 2015/16 – RESOLVED - That Councillor Nutt be appointed Chair for the Municipal Year 2015/16.

L2. APPOINTMENT OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2015/16 – RESOLVED – That Councillor Kane be appointed Vice-Chair for the Municipal Year 2015/16.

L3. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

L4. TIMES OF FUTURE MEETINGS – RESOLVED - That meetings of this General Licensing Committee be held at 9.30 a.m. for the remainder of the Municipal Year 2015/16.

L5. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 5 May, 2015.

RESOLVED – That the Minutes be approved as a correct record.

L6. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of the General Licensing Sub-Committee held on 7 July, 4 August and 1 September, 2015.

RESOLVED – That the Minutes be approved as a correct record.

L7. THE IMPACT OF THE DEREGULATION ACT 2015 ON THE LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND PRIVATE HIRE OPERATORS – The Director of Economic Growth submitted a report (previously circulated) to advise Members of the new requirements for Local Authorities under the Deregulation Act 2015 in respect of the licensing of taxis and private hire drivers and private hire operators and to invite Members to give their support to the recommendations within the submitted report.

The submitted report gave the background to the Deregulation Act 2015 which received Royal Assent on 26 March 2015 and was designed to remove or reduce the burdens on businesses, individuals, public sector bodies and tax payers; and places a duty on regulators to have regard to promoting economic growth.

The submitted report made particular reference to specific issues pertaining to the licensing of hackney carriages and private hire drivers and also private hire operators and the changes to the Local Government (Miscellaneous Provisions) Act 1976.

These issues included sub-contracting by operators; sub-contracting by operators: criminal liability; the current position with regard to driver and operator licence duration and sub-contracting of private hire bookings; and the proposed changes to driver licences, private hire operators and sub-contracting of private hire bookings.

It was reported that it was proposed that all new applicants and applicants for renewal of licence be offered the opportunity to make an application for a three year licence in those cases where there are no issues concerning the application. Three year licence holders will then be required to attend the Licensing Section annually to make a declaration that they have not accrued any penalty points or criminal convictions, cautions, reprimands or final warnings within the preceding 12 months and their medical status has not changed.

In addition three year licence holders will be required to register for the Disclosure and Barring Service (DBS) updating system and the similar DVLA access system and provided authorised access to the Council to enable on going checks to be made.

In cases where applicants/renewal applications have been referred to the Council's General Licensing Sub-committee in respect of matters of concern, it was proposed that a maximum one year licence will normally be granted and repeated for the first three years.

With regard to Private Hire Operators, it was reported that all new applicants and applicants for renewal of licence be offered the opportunity to make an application for a five year licence in those cases where there are not any issues concerning the application.

It was also reported that work was on going to revise all taxi licensing fees which was expected to be concluded by the end of 2015.

The submitted report also gave details of the timescales to allow the provisions to come into force on 1 October 2015; and due to the Licensing Section not being in a position to introduce a wholesale change from 1 October, 2015, the proposal that anyone wishing to obtain a 3 or 5 year licence with effect from 1 October, 2015 be advised that a one year licence will be issued pending the approved revision of the policy document and that the following year a pro rata licence and licence fee will be available.

RESOLVED (a) That Members note the changes to the Local Government (Miscellaneous Provisions) Act 1976 brought in by the deregulation and support the proposals detailed in the submitted report.

(b) That Members support the interim arrangements contained in the submitted report.

L8. CONSULTATION DOCUMENT: REVIEW OF CONDITIONS AND POLICIES RELATING TO HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES AND THEIR DRIVERS AND OPERATORS – With prior approval to the matter being treated as urgent to consult with Members at the earliest possible time, the Director of Economic Growth submitted a report (previously circulated) on the proposed revised Policies and conditions relating to the licensing of Hackney Carriages and Private Hire Vehicles, their drivers and operators; and to invite Members to confirm all remaining Policies and Conditions.

The submitted report referred to the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 which currently control hackney carriages and private hire vehicles, drivers and operators, including byelaws, Council policies and licence conditions.

It was reported that the entire policies and conditions relating to the taxi trade were last reviewed and approved by full Council in January 2012; officers had now reviewed the Hackney Carriage and Private Hire Licensing Policy and introduced measures to reinforce the protection for members of the general public, in particular children and vulnerable adults, and to provide an enforcement framework that takes account of legislative changes and amendments, whilst providing encouragement and support to the taxi trade in Darlington.

The submitted report also outlined the consultation process undertaken with the Licence Holders and other stakeholders between 22 June and 21 August 2015 on the proposed changes to the current Hackney Carriage and Private Hire Policy as detailed in Appendix A to the submitted report.

Particular reference was made to some of the changes contained in the submitted report in relation to applicants who have lived or spent time abroad; a further fee to be charged for any subsequent Driver Knowledge/Locality Test that needs to be undertaken; notification of medical conditions, in particular sleep apnoea; vehicles that have been declared an 'insurance write off' will not be licensed; the duration of a Private Hire Operators licence; vehicle and meter testing; vehicle payment credit; the relevance of convictions, cautions, reprimands, fixed penalties, warnings and complaints; the Licensing Manager having the power to suspend a driver licence of a licensed hackney carriage or private hire licence holder on certain conditions; the Equality Act 2010 updates; and exempted Private Hire Vehicle Licence conditions.

RESOLVED – (a) That the report be noted.

(b) That Members of this General Licensing Committee support the proposals for new and/or amended policies and conditions as detailed in Appendix A to the submitted report.

(c) That Members confirm that all other policies and conditions as detailed in the current licensing policy document be retained.